

REMARKS

Claims 1-34 are pending in the present application. Claims 1, 10, 16-18, 27, 33, and 34 were amended. Reconsideration of the claims is respectfully requested.

In addition, applicants would like to thank the examiner for the courtesies extended to applicants' representative during the telephone conference on November 9, 2005. During the telephone conversation, the examiner and applicants' representative discussed the patentability of the currently pending claims in light of *Zerber* (U.S. Patent Number 5,951,636) and *Ross* (WO 200242860A).

I. 35 U.S.C. § 103. Obviousness, Claims 1-34

The examiner has rejected claims 1-34 under 35 U.S.C. § 103 as being unpatentable over *Zerber* (U.S. Patent Number 5,951,636) in view of *Ross* (WO 200242860A). This rejection is respectfully traversed.

With regard to claim 1, the examiner states:

As per claim 1, *Zerber* disclosed: retrieving header information for electronic messages on the post office protocol 3 server to form retrieved header information; [Abstract, Fig. 5, step 182, Col. 2, Lines 34-35, Col. 9, Lines 45-58 and Col. 10, Lines 1-10] presenting a mail list on display using the retrieved header information and the attribute file; [Fig. 5, Steps 184-188, Col. 2, Lines 35-37] and responsive to a selection of an electronic mail message from the mail list, retrieving and presenting the electronic mail message. [Fig. 5, Steps 190-202, Col. 2, Lines 38-45, Col. 6, Lines 39-67, Col. 9, Lines 45-58 and Col. 10, Lines 30-33].

Zerber disclosed the invention as claimed. Further, although it has been widely known that an attribute file indicating the status (read, unread, flagged and so forth) of an electronic message (e-mail) in a mailing system and particularly in many client e-mail application, *Zerber* was silent about "updating an attribute file, wherein the attribute file includes an indication of whether an electronic mail message has been read;"

However, as evidenced by the teaching of *Ross*, it was commonly known in the art to update a file indicating status of an electronic mail and synchronizing such updates throughout the mailing system in a POP3 mail application (see Page 22, Lines 1-19 and Page 9, Lines 12-17).

Thus, it is respectfully submitted that it would have been obvious to one of ordinary skill in the art at the time the invention was made to make use of such a functional feature of keeping the attribute file indicating the status of an electronic

mail as evidenced by the teachings of Ross and have modified the teachings of Zorber in order to facilitate management of messages in electronic messaging system.

Office Action dated August 9, 2005, Pages 2-3.

The examiner bears the burden of establishing a *prima facie* case of obviousness based on the prior art when rejecting claims under 35 U.S.C. § 103. *In re Fritch*, 972 F.2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). For an invention to be *prima facie* obvious, the prior art must teach or suggest all claim limitations. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Amended independent claim 1, which is representative of amended independent claims 16, 18, and 33, is reproduced below:

1. A method in a data processing system for managing electronic mail messages from a post office protocol 3 server, the method comprising:
 - retrieving header information at a client for electronic messages on the post office protocol 3 server to form retrieved header information;
 - updating an attribute file stored at the client, wherein the attribute file includes an indication of whether an electronic mail message has been read;
 - presenting a mail list on a display using the retrieved header information and the attribute file, wherein the attribute file is used to distinguish between electronic mail messages previously represented in the mail list and new electronic mail messages represented in the mail list; and
 - responsive to a selection of an electronic mail message from the mail list, retrieving the electronic mail message from the post office protocol 3 server and presenting the electronic mail message, wherein the electronic mail message is not deleted from the post office protocol 3 server when the electronic mail message is retrieved.

Claim 1 of the present invention recites managing electronic mail messages from a POP3 server by first retrieving header information for messages on the POP3 server. A mail list is presented in the client using the retrieved header information and an attribute file, wherein the attribute file is stored at the client and indicates whether or not a message has been read and distinguishes between message previously represented in the mail list and new messages represented in the mail list. When a message in the mail list is selected, the message is retrieved from the POP3 server and presented to the client. However, the retrieval of the message does not cause the message to be deleted from the POP3 server.

Applicants agree with the examiner that *Zerber* does not teach the feature of "updating an attribute file stored at a client, wherein the attribute file includes an indication of whether an

electronic mail message has been read". However, *Zerber* also does not teach or suggest managing electronic mail messages from a post office protocol 3 server by "presenting a mail list on a display using the retrieved header information and the attribute file" and "retrieving the electronic mail message from the post office protocol 3 server and presenting the electronic mail message, wherein the electronic mail message is not deleted from the post office protocol 3 server when the electronic mail message is retrieved".

Zerber teaches a system for accessing a folder of messages in a mail server. The client establishes a connection to a mail server and instructs the mail server to parse messages in the folder and obtain message headers. The message headers are downloaded to the client, the connection is terminated. When the client selects one or more particular message headers, another connection is established and the client instructs the mail server to retrieve the body of the messages selected. The message bodies are downloaded to the client, and the client instructs the mail server to delete the selected messages from the folder in the mail server. The second connection is then terminated.

As *Zerber* does not teach updating an attribute file, it follows that *Zerber* cannot teach using that updated attribute file to present a mail list on a display. The examiner states, "it has been widely known that an attribute flag indicating the status (read, unread, flagged, and so forth) of an electronic message (e-mail) in a mailing system and particularly in many client e-mail application" (Office Action, page 3). However, *Zerber* does not teach using an attribute file in the mail list of message headers, nor does *Zerber* make any suggestion as to using the attribute file to distinguish between electronic mail messages previously represented in the mail list and new electronic mail messages represented in the mail list. In fact, as shown in Figure 5 in blocks 190-198 and the corresponding text, *Zerber* teaches that once the client computer selects a message header, the body of the message is downloaded from the mail server to the client computer, and the retrieved e-mail messages are deleted from the mail server:

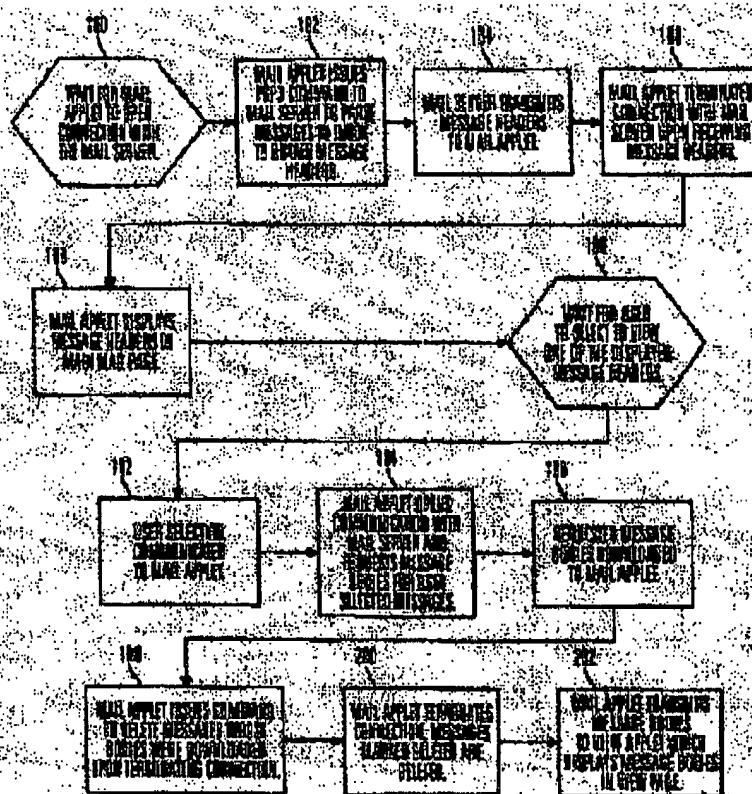


FIG. 5

Zerber, Figure 5.

Upon user selection of at least one message header, control transfers to block 192 which represents the user selections communicated to the mail applet 46. Control then proceeds to block 194 which represents the mail applet 46 establishing communication with the mail server 62 and requesting the message bodies for the user selected message headers. The mail applet 46 would issue a command such as the POP3 RETR command to retrieve the body of the selected messages. Block 196 represents the mail server 62 downloading the selected messages. After receiving the selected message bodies, control transfers to block 198 which represents the mail applet 46 communicating a command to mark the retrieved messages as deleted, which in POP3 is the DELE command. The deleted messages are deleted from the post office system 66 when the connection between the client computer 34 and mail server 62 is terminated. Control transfers to block 200 which represents the mail applet 46 terminating the connection with the mail server 62 and the mail server 62 deleting the messages from the post office system 66 marked as deleted. Control then transfers to block 202 which

represents the mail applet 46 transmitting the received message bodies to the view applet 50 which displays the message bodies in the view page 44 for the user to read.

Zerber, col. 10, lines 25-48.

In view of the teachings of *Zerber* above, consider the example of an attribute includes an indication that a message had been read or not. As *Zerber* discloses above, for the user to read an e-mail message, the user must first select a message header from the message headers downloaded to the client computer. Once a message header is selected, the body of the e-mail message is sent to the client computer for the user to read. However, when the body of the e-mail message is sent to the client computer, *Zerber* teaches that the e-mail message is deleted from the mail server. Thus, when the client subsequently establishes a connection with the mail server, the message headers provided to the client computer by selecting a message header will no longer be presented to the user, as these e-mail messages no longer reside on the mail server. Consequently, while the user may read the e-selected mail messages, neither these read messages, nor their header information, will be displayed to the user in the mail list, since the message headers displayed to the user are only gathered from those e-mail messages residing on the mail server. Therefore, there is no reason in *Zerber* to distinguish whether a particular message in the list of message headers downloaded to the client computer has been read or not read, as all read messages are deleted from a subsequent download of message headers to the client computer. Thus, *Zerber* teaches that all messages are deleted from the server when the message header is selected, and *Zerber* does not teach that the electronic mail message is not deleted from the post office protocol 3 server when the electronic mail message is retrieved as recited in claim 1 of the present invention.

Ross does not cure the deficiencies of *Zerber*. As discussed in the Abstract, *Ross* teaches a multi-user shared e-mail system on a single computer. Each of the multiple users is able to use the single computer to access the user's personal, secure e-mail account, one user at a time. The multiple e-mail accounts are stored on the single computer, which can include an inbox, outbox, and folders to store received e-mail. The *Ross* system provides a cost efficient access for a large number of users who otherwise do not need their own computers. Prioritization indicators may be used by the *Ross* system to determine which of the multiple users of the shared e-mail system can get access first.

The examiner alleges "as evidenced by the teachings of Ross, it was commonly know in the art to update a file indicating status of an electronic mail and synchronizing such updates throughout the mailing system in a POP3 mail application", and cites to page 22, lines 1-19 and page 9, lines 12-17, which are reproduced below:

For example, all e-mails sent by a sending user can be automatically stored in a personal folder in the sending user's personal file cabinet 600. In a exemplary, the email stored in a file folder named by the recipient's e-mail address or user name. In an exemplary embodiment, a read receipts continually updateable file can be stored in an assigned folder. A user can also modify the folder into which the e-mail can be stored upon sending. Similarly, for an email received from a sender at a recipient, the e-mail can be stored automatically into an assigned folder such as e.g., a folder that can be set by the sending user's e-mail address or user name. In an exemplary embodiment, upon receiving an email, a recipient by selection of a single button can cause the email to be automatically stored in the assigned personal folder.

FIG. 7 depicts an exemplary embodiment of an assigned read receipt folder's read receipt report 700. Read receipt report 700 can include names 706, and email addresses 708 of recipients of the email. Upon access of the email by recipients, the read receipt report 700 can be automatically updated to include, e.g., a date and time 712 of the access, and type of access 710. The read receipt report 700, can provide various types of information in a record 702. If the email has not been access yet, then a blank record 704 can be provided.

Ross, page 22, lines 1-19.

In another embodiment of the invention, a user can access the user's email environment from the Internet's world wide web. In one embodiment, storage of the user's e-mail environment is mirrored to a server on the world wide web and is kept in synchrony. In one embodiment, a user from the web interface can send, receive, store in folders, move and delete messages. In one embodiment of the invention, the e-mail system can use a version of the standard POP3 mail application modified for the specific features of the shared e-mail system.

Ross, page 9, lines 12-17.

The first passage above teaches that e-mail sent from a user may be stored in an assigned folder in the sending user's personal filing cabinet. The name of the assigned folder may be the recipient's e-mail address or user name. Likewise, e-mails received from a sender may be automatically stored in an assigned folder, such as a folder set by the sender's e-mail address or user name. A read receipts continually updatable file may also be stored in an assigned folder. A read receipt report is also provided which can include the names and e-mail addresses of recipients of the e-mail. When the e-mail is accessed by the recipients, the report may be

automatically updated to include various types of information, such as date and time of the access.

The second passage above teaches that the multi-user shared e-mail system of *Ross* may use a version of the standard POP3 mail application modified for the specific features of the shared e-mail system.

Although the first passage above teaches a read receipt file and the second passage teaches that the *Ross* system may use a POP3 mail application, neither passage above, nor any other section of *Ross*, teaches or suggests using an attribute file that includes an indication of whether an electronic mail message has been read to present a mail list on a display and to distinguish between electronic mail messages previously represented in the mail list and new electronic mail messages represented in the mail list. *Ross* merely teaches updating a read receipts file when an e-mail is accessed by the recipients. *Ross* makes no mention of using the file to present a mail list of header information and attribute information. As *Ross* does not disclose that the file is used to present a mail list, it follows that *Ross* cannot teach that the file is used to distinguish between e-mail messages previously represented in the mail list and new e-mail messages represented in the mail list.

Furthermore, *Ross* teaches away from the present invention as *Ross* teaches that all e-mails sent by a sending user or received by the sending user can be automatically stored in an assigned folder (page 18, lines 22-23). In contrast with the claimed invention which may use an attribute file to minimize the amount of e-mail messages stored at the client, *Ross* teaches allowing users to storing all sent and received messages at the client.

Even if *Ross* was combinable with *Zerber*, the result of such a combination would not be the invention as recited in claim 1. Rather, such an alleged combination would result in a system substantially as taught by *Zerber*, which teaches that an e-mail that is accessed is stored at the client and deleted from the mail server, in addition to including a read receipt indicator in the display of the e-mail messages stored at the client as taught by *Ross*. Thus, even with the alleged addition of *Ross*, there is still no ability to use an attribute file in presenting the mail list of the message headers, nor an ability to use the attribute file to distinguish between e-mail messages previously represented in the mail list and new e-mail messages represented in the mail list.

Furthermore, there is no teaching or suggestion in the references as to the desirability of including the features from the other references. The only motivation to even attempt to combine

Ross and *Zerber* is to try to arrive at applicants' claimed invention and thus, the alleged combination is based entirely on prior knowledge of applicants' disclosure. Thus, the alleged combination is a result of impermissible hindsight reconstruction using applicants' own disclosure as a guide. While applicants' understand that all examination entails some measure of hindsight, when the rejection is based completely on hindsight, as in the present case, rather than only what is gleaned from the references, then the rejection is improper and should be withdrawn.

In view of the above, applicants submit that independent claims 1, 16, 18, and 33 are not taught or suggested by the alleged combination of *Zerber* and *Ross*. At least by virtue of their dependency on claims 1 and 18, respectively, *Zerber* and *Ross* also do not teach or suggest dependent claims 2-9 and 19-26. Furthermore, these claims recite additional subject matter not taught or suggested by *Zerber* and *Ross*. For instance, claim 5 recites wherein the step of retrieving the header information comprises retrieving all parts of the electronic message from the post office protocol 3 server. *Ross* does not mention retrieving header information from the server at all, and *Zerber* merely teaches that the first connection between the client and server is used to parse messages and obtain message headers. These message headers are then downloaded to the client computer. There is no mention in *Zerber* of downloading any other parts of the e-mail messages other than the message headers when the message headers are retrieved from the server. Accordingly, applicants respectfully request withdrawal of the rejection of claims 1-9, 16, 18-26, and 33 under 35 U.S.C. §103.

With regard to independent claim 10, the examiner states:

As per claim 10, Zerber disclosed: retrieving portions of incoming mail in storage in a mail inbox at the post office protocol 3 server, wherein the incoming mail is kept in storage in the mail box at the post office protocol 3 server (Abstract, Fig. 5, step 182, Col. 2, Lines 34-35, Col. 9, Lines 45-58 and Col. 10, Lines 1-10, Zerber disclosed retrieving headers of e-mail messages at a POP3 server); presenting a mail list using the portions of incoming mail retrieved from the mailbox at the post office protocol 3 server (Fig. 5, Steps 184-188, Col. 2, Lines 35-37, Zerber, disclosed presenting the retrieved headers in a form of a list selectable by the end users); retrieving, from the post office protocol 3 server, individual messages from the mail inbox at the post office protocol 3 server if one of the users selects a message for display (Fig. 5, Steps 190-202, Col. 2, Lines 38-45, Col. 9, Lines 45-58 and Col. 10, Lines 30-33);

Zerber substantially disclosed the invention as claimed. However, Zerber was silent about "filtering the message from the individual messages to a folder in a shared directory in the local storage in response to a user request to save the

message, wherein the shared directory is shared by each user sharing the mail account."

An artisan now working with the teaching of Zerber would have been motivated to look for teachings that may have allowed further improvements on the art of electronic mail process. In these arts, Ross taught a multi-user shared e-mail system on a single computer allowing each users to share and access the email system having therein plurality of folders for storing received e-mails (Abstract) and further taught an incoming mail filters (Page 5, Lines 7) enabling multiple users to access a single shared computer to send, receive and store messages (Page 7, Lines 11-13) in a in file folder created by each user in the shared e-mail system (as recited in claims 14 AND 31, Page 8, Lines 9-13, Page 9, Lines 12-17, Page 11, Lines 3-8, Page 15, Lines 18-23 and Page 21, Line 24 through Page 25, Line 12).

Thus, it is respectfully submitted that it would have been obvious to one of ordinary skill in the art at the time the invention was made to take the teaching of Ross related to filtering messages to save in different user defined folders in the shared environment and have modified the teachings of Zerber related to e-mail processing system in order to provide access to various users in a production or operational environment with out access to an individual computer to share and access their e-mail optimizing the cost associated with resources, Page 4, Lines 24-28.

Office Action dated August 9, 2005, Pages 5-7.

Independent claim 10, which is representative of claims 17, 27, and 34 with regard to similarly recited subject matter, reads as follows:

10. A method for sharing a mail account from a post office protocol 3 server with a plurality of users having at least one computing device having limited storage amongst the plurality of users, the method comprising:

retrieving portions of incoming mail in storage in a mail inbox at the post office protocol 3 server, wherein the incoming mail is kept in storage in the mail box at the post office protocol 3 server;

presenting a mail list using the portions of incoming mail retrieved from the mailbox at the post office protocol 3 server;

retrieving, from the post office protocol 3 server, individual messages from the mail inbox at the post office protocol 3 server if one of the users selects a message for display, wherein the selected message is not deleted from the post office protocol 3 server when the selected message is retrieved; and

filtering the message from the individual messages to a folder in a shared directory in the local storage in response to a user request to save the message, wherein the shared directory is shared by each user sharing the mail account.

Applicants agree with the examiner's admission that Zerber does not teach "filtering the message from the individual messages to a folder in a shared directory in the local storage in

response to a user request to save the message, wherein the shared directory is shared by each user sharing the mail account" (Office Action, page 6). In addition, *Zerber* fails to teach that selected messages are not deleted from the post office protocol 3 server when the selected messages are retrieved, as shown above in the response to the rejection of claim 1.

Contrary to the examiner's assertion, *Ross* does not teach the "filtering the message from the individual messages to a folder in a shared directory in the local storage in response to a user request to save the message, wherein the shared directory is shared by each user sharing the mail account". The examiner points to page 5, line 7 of *Ross*, which discloses that "e-mail can include various new and useful features, such as, e.g., human resource communication and statistics tools, timeclock in/out, incoming mail filters, delayed receipt of e-mail..." Although *Ross* teaches that the computer station itself may be shared by the multiple users and that incoming mail filters may be used, there is no teaching in *Ross* of filtering a message to a shared directory path in the local storage in response to a user request to save the message, wherein the shared directory is shared by each user sharing the mail account. Rather, *Ross* teaches providing a cost efficient way for multiple users, who otherwise do not need to have their own computer, to each access their own e-mail by providing multiple e-mail account environments on the single shared computer (Abstract). As shown in Figure 6 of *Ross*, personal file system 600 includes each individual's e-mail environment including a file cabinet, and the file cabinet is a folder in which each user may create personal nested subfolders into which the users can organize their incoming and outgoing e-mail (page 21, lines 24-31). Thus, these local personal folders in *Ross* are tied to the user's name. In contrast, the shared directory path in claim 10 allows for sharing of mail accounts in a multi-user environment. By way of example, one or more user IDs on the client can be configured to share the same mail account on the server. Thus, these user IDs share one copy of the saved folder and the mail attribute file on the client, thus requiring the use of less local storage than if each user had their own saved folder. Nowhere in *Ross* is there any mention of filtering a message to a folder in a shared directory in the local storage. In fact, there is no mention of using shared directories in the local storage at all. Consequently, *Ross* does not teach the feature of filtering the message from the individual messages to a folder in a shared directory in the local storage in response to a user request to save the message, wherein the shared directory is shared by each user sharing the mail account, as recited in claim 10 of the present invention.

In view of the above, applicants submit that independent claims 10, 17, 27, and 34 are not taught or suggested by the combination of *Zerber* and *Ross*. At least by virtue of their dependency on claims 10 and 27, respectively, *Zerber* and *Ross* also do not teach or suggest dependent claims 11-15 and 28-32. Accordingly, applicants respectfully request withdrawal of the rejection of claims 10-15, 17, 27-32, and 34 under 35 U.S.C. §103.

Therefore, the rejection of claims 1-34 under 35 U.S.C. § 103 has been overcome.

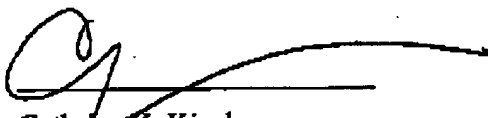
II. Conclusion

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance.

The examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: November 9, 2005

Respectfully submitted,



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